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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/521,098	03/07/2000	Naohisa Kitazato	SONY JP-076 Cont	9315
530	7590	12/01/2004	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			SRIVASTAVA, VIVEK	
			ART UNIT	PAPER NUMBER
			2611	

DATE MAILED: 12/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/521,098

Applicant(s)

KITAZATO ET AL.

Examiner

Vivek Srivastava

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,6,16-22 and 24 is/are rejected.
- 7) ☒ Claim(s) 2-5,7-15 and 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/11/03</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Ming et al (5,710,815).

Regarding claim 1, Ming discloses a data transmission control method wherein program access control code are inserted into video frames each second (see col 11 lines 40 – 45) noting that the program access control codes meet the claimed 'cyclic data unit' and that since the program access codes are inserted and transmitted each second, Ming discloses the claimed 'repetitively transmitting cyclic data'. It is further noted that Ming discloses repetitively transmitting program access control codes for a program i.e. PPV (see col 11 lines 10 – 45 and col 12 lines 10 – 27) and that the control codes are repetitively transmitted for desired period to time i.e. length of the program or PPV program. Ming also discloses program classification information, which is part of

Art Unit: 2611

the program access control codes (cyclic data), is updated and embedded into the global portion of the access control information (see col 11 lines 29 – 45). Accordingly, the content of the program access control codes are updated or switched, and the client terminal is notified of the updated program access control codes and is thus 'notified'. It is noted that the access control codes are transmitted from the CATV service provider (see col 5 lines 55 – 60 and col 11 lines 10 – 45).

Regarding claim 6, Ming discloses a data transmission control method wherein program access control code are inserted into video frames each second (see col 11 lines 40 – 45) noting that the program access control codes meet the claimed 'cyclic data unit' and that since the program access codes are inserted and transmitted each second, Ming discloses the claimed 'repetitively transmitting cyclic data'. It is further noted that Ming discloses repetitively transmitting program access control codes for a program i.e. PPV (see col 11 lines 10 – 45 and col 12 lines 10 – 27) and that the control codes are repetitively transmitted for desired period to time i.e. length of the program or PPV program. Ming also discloses program classification information or 'object', which is part of the program access control codes (cyclic data), is updated and embedded into the global portion of the access control information (see col 11 lines 29 – 45). The program classification information provides content description of a predetermined content rating system including codes assigned to violence, nudity or profanity (see col 9 lines 19 – 39). Accordingly, the content of the program access control codes are updated or switched, and the client terminal is notified of the updated program access control codes and is thus 'notified'. It is noted that the access control codes are

Art Unit: 2611

transmitted from the CATV service provider (see col 5 lines 55 – 60 and col 11 lines 10 – 45).

Claims 16 – 18 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Kambayashi (6,157,809).

Regarding claim 16, Kambayashi discloses a data transmitting method of transmitting multimedia data from a broadcasting station to a terminal (see fig 1 and fig 25). Kambayashi discloses constructing an event notice by time information and an event name (see col 13 lines 6 – 29) noting that the event name is met by event ID. When the event is generated and transmitted to the receiver (meeting the claimed immediately generated), a frame number identifies the frame to be transmitted. It is noted that Kambayashi discloses the frame number can replace the time information and hence the 'position' of the time information (see col 13 lines 25 – 30). It is further noted that since the video signal stream is an MPEG stream (see col 11 lines 39 – 41), the event ID and frame number are transmitted to the receiver as inherent in the MPEG1 and MPEG2 protocols.

Regarding claim 17, Kambayashi discloses the claimed limitation as it is noted that a frame number is the same and thus cannot exist as time information (see col 13 lines 25 – 30).

Regarding claim 18, Kambayashi discloses displaying a sub-picture with main picture wherein the sub-picture is a "program information link" notifying the user that the event immediately (which is predetermined processing time i.e. link is displayed before

Art Unit: 2611

the link leading to additional information is displayed) generated before actually generating the additional information event (see col 11 line 54 – col 12 line 13).

Regarding claim 24, Kambayashi discloses a data transmission apparatus comprising and event notice (proper information) constructed by time information and an event name (see col 13 lines 7 – 30). It is noted that the event notice is immediately generated and transmitted to the receiver. Kambayashi further discloses that time information can be replaced with a frame number (see col 13 lines 25 – 30). It is noted that since the proper information including frame number is immediately generated and transmitted to the receiver, Kambayashi discloses the claimed “means for transmitting an event notice in which a code showing that an event is immediately generated is arranged at a position of said time information”.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 19, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kambayashi (6,157,809) in view of Kikinis (5,929,849).

Regarding claim 19, Kambayashi discloses displaying a sub-picture with main picture wherein the sub-picture is a “program information link” notifying the user that the event immediately (which is predetermined processing time i.e. link is displayed before

Art Unit: 2611

the link leading to additional information is displayed) generated before actually generating the additional information event (see col 11 line 54 – col 12 line 13).

Kambayashi fails to disclose the claimed a similar event notice is repetitively transmitted at a predetermined period.

In analogous art, Kikinis teaches providing additional information in the form of URL's wherein one entity is repeated in a large number of frames, so a view will have time to react and select a dynamic entity (see col 10 lines 38 – 45). It would have been obvious modifying Kambayashi to include repeatedly transmitting the display event for a 'program information link' would provide a user will ample time to react and select additional information throughout a course of a program. Therefore, it would have been obvious to modify Kikinis to include the claimed limitation to provide a user with ample time to react and select a 'program information link'.

Regarding claims 20 and 21, the combination of Kambayashi and Kikinis teaches the claimed limitation, wherein Kambayashi discloses displaying the 'program information link' for a predetermined time for duration of the program or until start of the next event i.e. start displaying a 'program information link' for a subsequent and different program' (see col 11 lines 54 – 67) and wherein as discussed in claim 19, the combination of Kambayashi and Kikinis teaches the step of repeatedly transmitting.

Claim 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kambayashi (6,157,809).

Art Unit: 2611

Regarding claim 22, Kambayashi discloses replacing the time information with frame number of picture (see col 13 lines 25 – 30). The examiner takes Official Notice it would have been well known in the art to mixedly transmit a code showing that event in immediately generated and an event notice describing time information to ensure proper synchronization of information. Therefore, it would have been obvious to modify Kambayashi to include the claimed limitation to ensure proper and timely synchronization.

Allowable Subject Matter

Claims 2 – 5, 7 – 15 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tanaka (5,068,849) – cyclic data transmission method

Ohkura et al (5,517,669) – cyclic data transmission system

Eitrich (5,748,923) – cyclic transmission of data between two devices

Art Unit: 2611

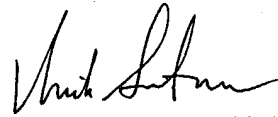
Nadan (5,142,576) – securely providing restricted information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305-4038. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs
11/24/04


VIVEK SRIVASTAVA
PRIMARY EXAMINER